California Workers' Compensation Institute

1333 Broadway, Suite 510, Oakland CA 94612
(510) 251-9470
www.cwci.org

BULLETIN

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The Department of Industrial Relations (DIR) has announced the 2023 assessment rates that California employers will pay to cover workers' compensation user funding (the Workers' Compensation Administration Revolving Fund), the Uninsured Employer Benefit Trust Fund, the Subsequent Injury Benefit Trust Fund, the Occupational Safety & Health Fund, the Labor Enforcement and Compliance Fund, and the Workers' Compensation Fraud Account.

Labor Code §62.5 and §62.6 require employers in the state to pay assessments and surcharges to:

- fund the Division of Workers' Compensation budget
- cover the cost of benefits to injured workers whose employers were uninsured
- provide benefits for workers who qualify under the Subsequent Injury Fund
- support mandated Cal/OSHA activities
- support the state's enforcement of labor standards and the requirement to carry workers' comp insurance, and
- finance Department of Insurance and District Attorneys' workers' compensation antifraud efforts.

In a memo posted on its website and mailed to workers' comp insurers, self-insured employers, and legally uninsured employers, the DIR announced that for 2023, total assessments for the six funds from all payers will total nearly $1.57 billion prior to adjustments for current fund balances and any amounts under- or over-collected in 2022. After the adjustments, the total due from employers in 2023 for all six funds will be $1.246 billion, up from $1.086 billion in 2022. Under California law, the assessments are split between insured and self-insured employers in proportion to their payroll for the most recent year available. As a result, insurers authorized to transact workers' compensation in California must apply the following factors against their policyholders' estimated annual "assessable premium" for all policies incepting in calendar year 2023:

Workers' Compensation Administration Revolving Fund Assessment	**0.025208**
Uninsured Employers Benefit Trust Fund Assessment	**0.001372**
Subsequent Injuries Benefits Trust Fund Assessment	**0.013703**
Occupational Safety & Health Fund Assessment	**0.006572**
Labor Enforcement & Compliance Fund Assessment	**0.007011**
Workers' Compensation Fraud Account Assessment	**0.004679**

State law requires insurers to advance the money on behalf of their policyholders (the first installment is due on or before January 1, 2023; the balance is due on or before April 1, 2023), then recoup the funds via surcharges and assessments on all workers' compensation policies with 2023 inception dates. Assessment methodologies are provided in the memos DIR issued this week. The memo to insurers also notes that for single carriers that are not part of an insurer group and that reported data to the WCIRB on an individual company basis for 2021, "Total California Direct Written Premium for assessment purposes is the amount reported for calendar year 2021 to the WCIRB, which reflects the premiums charged to policyholders with the exception that it excludes the impact of deductible credits, retrospective rating adjustments, and policyholder dividends." For insurers that are part of an insurer reporting group that reported data to the WCIRB for 2021, "Total California Direct Written Premium for assessment purposes is the product of (a) the total 2021 written premium reported to the WCIRB on the aforementioned basis and (b) the ratio of your 2021 California written premium as reported in the 2021 Statutory Annual Statement (these amounts include the effect of deductible credits and retrospective rating adjustments) to the total 2021 Statutory Annual Statement of California written premium reported for your insurer group as a whole."

To cover their share of the 2023 assessments, self-insured and California legally uninsured employers must apply the following rates against the total amount of workers' compensation indemnity they paid:

Workers' Compensation Administration Revolving Fund Assessment	**0.049462**
Uninsured Employers Benefit Trust Fund Assessment	**0.002335**
Subsequent Injuries Benefits Trust Fund Assessment	**0.030192**
Occupational Safety & Health Fund Assessment	**0.013072**
Labor Enforcement & Compliance Fund Assessment	**0.014319**
Workers' Compensation Fraud Account Assessment	**0.008878**

More details are included in memos that DIR has mailed to workers' compensation insurers, self-insured employers, and California legally uninsured employers along with invoices for each company's share of the assessments and surcharges. DIR has posted the information, including the calculations used to determine the 2023 assessment rates, in the "What's New" section of its website at www.dir.ca.gov/dwc/. Insurers with additional questions about the 2023 surcharges and assessments may email them to DIRDWC_Assessment@dir.ca.gov); self-insureds and California legally uninsured employers may call the Office of Self-Insurance Plans in Sacramento at (916) 464-7000.

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